

## **REMARKS**

This application has been reviewed in light of the Office Action mailed August 12, 2009. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 3 – 6 and 30 – 41 are pending in the application, with Claims 3, 30, 32, 36 and 38 being in independent form. By the present amendment, Claims 3, 30, 32 and 36 – 41 are amended. No new subject matter is introduced into the disclosure by way of the present amendment.

### **I. Objection to the Specification**

The specification is objected to for allegedly failing to provide adequate antecedent basis for the claimed “computer readable medium” recited in Claims 36 - 41.

In response, Claims 36 – 41 are amended to recite “recording medium” which is believed to adequately obviate the objection to the specification, as well as the rejection to the claims under 35 U.S.C. § 101 and § 112, first paragraph, discussed below.

Additionally, the title of the invention is objected to for failing to clearly indicate the invention to which the claims are directed. In response, the title of the invention is amended to recite: “APPARATUS FOR AND METHOD OF RECOGNIZING VIDEO IMAGE OBJECT, AND APPARATUS FOR AND METHOD OF APPLYING VIDEO IMAGE ANNOTATION”.

Accordingly, Applicants respectfully request withdrawal of the objection to the specification.

### **II. Rejection of Claims 36 – 41 Under 35 U.S.C. § 101**

Claims 36 – 41 are rejected under 35 U.S.C. § 101 because the term “computer readable recording medium” is not described in the specification as originally filed, and fails to identify elements that are considered to be encompassed by a computer readable recording medium. inclusive of both statutory and non-statutory subject matter.

In order to overcome the rejection of Claims 36 – 41 under 35 U.S.C. § 101, in which “computer readable recording medium” is interpreted as reading on both statutory matter as well as non-statutory matter, the preamble of Claims 36 – 41 has been amended to recite “A readable recording medium” as the present Office Action concedes that such phrasing would be considered statutory, and fully supported by the specification.

Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 36 – 41 under 35 U.S.C. § 101.

### **III. Rejection of Claims 36 – 41 Under 35 U.S.C. § 112, First Paragraph**

Claims 36 – 41 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement, because the specification does not provide support for “computer-readable recording medium”. Instead, the disclosure supports “a recording medium”. According to the present Office Action, while computer-readable recording medium and recording medium share many of the same medium, recording medium is a broader category that includes all of computer-readable recording medium as well as potentially other recording medium. In response, Claims 36 – 41 have been amended to recite the broader “recording medium”.

Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 36 – 41 under 35 U.S.C. § 112, first paragraph.

### **IV. Rejection of Claims 3 – 6 and 30 – 41 Under 35 U.S.C. § 102(b)**

Claims 3 – 6 and 30 – 41 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 6, 222,583 issued to Matsumoto et al.

The present Office Action alleges that Matsumoto et al. discloses an estimating means for estimating a position of an object in a captured video image from positional information of an

object and image capturing information including information for determining an area where an image will be captured; and a recognition means for recognizing whether said object is present or not using a difference between visual feature quantities of a partial video image of said captured video image and said object and a difference between the position of said partial video image and said estimated position, as recited in Applicants' Claim 3. The present Office Action specifically cites FIG. 10 and col. 13, lines 32 – 42. Additionally, Applicants note col. 9, line 59 – col. 10, line 9.

However, Matsumoto et al. does not disclose using a moving speed of the video input device, along with positional information and image capturing information, to search the captured video image for the candidate, as disclosed in Applicants' specification and recited in Applicants amended Claims 3, 30, 32, 36 and 38. (See: para. [0072] – [0073] Applicants' published application).


Therefore, as demonstrated above, because Matsumoto does not disclose each and every element recited in the present claims, Applicants respectfully submit that the rejection has been obviated. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 3 – 6 and 30 – 41 under 35 U.S.C. § 102(b).

## CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 3 – 6 and 30 – 41 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

  
Katherine R. Vieyra  
Registration No. 47,155

SCULLY, SCOTT, MURPHY & PRESSER, P.C.  
400 Garden City Plaza - Ste. 300  
Garden City, New York 11530  
(516) 742-4343  
KRV/DAT:ab